

SENATE BILL NO. 36

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY SENATOR THOMAS

Introduced: 1/19/11

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to an opt-out charitable giving program offered by an electric or**
2 **telephone cooperative."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 10.25.010(a) is amended to read:

5 (a) Except as provided in (b) of this section, an electric or telephone
6 cooperative may

7 (1) sue and be sued in its corporate name;

8 (2) have perpetual existence;

9 (3) adopt a corporate seal and alter it;

10 (4) construct, buy, lease, or otherwise acquire, and equip, maintain,
11 and operate, and sell, assign, convey, lease, mortgage, pledge, or otherwise dispose of
12 or encumber lands, buildings, structures, electric or telephone lines or systems, dams,
13 plants and equipment, and any other real or personal property, tangible or intangible,
14 that is necessary, convenient, or appropriate to accomplish the purpose for which the

1 cooperative is organized;

2 (5) buy, lease, or otherwise acquire, and use, and exercise and sell,
3 assign, convey, mortgage, pledge or otherwise dispose of or encumber franchises,
4 rights, privileges, licenses, and easements;

5 (6) borrow money and otherwise contract indebtedness, and issue
6 evidences of indebtedness, and secure the payment of the indebtedness by mortgage,
7 pledge, or deed of trust of, or any other encumbrance upon its real or personal
8 property, assets, franchises, or revenues;

9 (7) construct, maintain, and operate electric transmission and
10 distribution lines, or telephone lines along, upon, under and across publicly owned
11 lands and public thoroughfares, including, without limitation, all roads, highways,
12 streets, alleys, bridges, and causeways;

13 (8) exercise the power of eminent domain;

14 (9) become a member of other cooperatives or corporations or own
15 stock in them;

16 (10) conduct its business and exercise its powers inside or outside the
17 state;

18 (11) adopt, amend, and repeal bylaws;

19 (12) make all contracts necessary, convenient, or appropriate for the
20 full exercise of its powers;

21 (13) make donations for the public welfare or for charitable, scientific,
22 or educational purposes;

23 (14) **offer an opt-out charitable giving program as described in**
24 **AS 10.25.237;**

25 **(15)** do and perform any other act and thing, and have and exercise any
26 other power that may be necessary, convenient, or appropriate to accomplish the
27 purpose for which the cooperative is organized.

28 * **Sec. 2.** AS 10.25 is amended by adding a new section to article 1 to read:

29 **Sec. 10.25.237. Electric or telephone cooperative opt-out charitable giving**
30 **program.** (a) Notwithstanding AS 45.45.930 and if approved by the membership of
31 the cooperative in accordance with this chapter, an electric or telephone cooperative

1 may offer its members an opportunity to participate in an opt-out charitable giving
2 program that rounds the monthly bill of a member to the next whole dollar amount but
3 does not exceed 99 cents a month.

4 (b) To qualify as an allowable opt-out charitable giving program under this
5 section, the cooperative shall

6 (1) clearly identify on each monthly billing statement the amount
7 added after rounding to the next whole dollar amount and provide instructions on each
8 monthly billing statement explaining how to opt out of the program in person at the
9 cooperative, in writing, by telephone, or by using the Internet;

10 (2) include a notation on each monthly billing statement informing the
11 member that the amount rounded to the next whole dollar is a voluntary contribution
12 by the member;

13 (3) use the program's proceeds only for charitable donations and for no
14 other purpose; and

15 (4) allow a member the opportunity to claim a full refund of all
16 amounts paid by the member under the program for at least the three preceding years.

17 * **Sec. 3.** AS 45.45.930 is amended by adding a new subsection to read:

18 (f) This section does not apply to an opt-out charitable giving program offered
19 by an electric or telephone cooperative under AS 10.25.237.